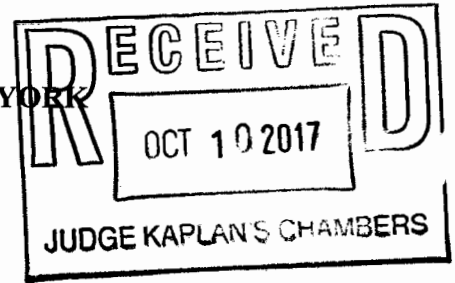


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK



MELINA BERNARDINO, individually and  
on behalf of other similarly situated persons,

Plaintiff,

v.

BARNES & NOBLE BOOKSELLERS, INC.,

Defendant.

CASE NO. 1:17-cv-4570-LAK-KHP


**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR LEAVE TO  
FILE SUR-REPLY**

On October 6, 2017, Plaintiff moved for leave to file a sur-reply to address new evidence submitted by Defendant (ECF Nos. 66-68) in Support of its Motion to Compel Arbitration and to Stay Proceedings ("Arbitration Motion," ECF No. 40). Defendant does not oppose the motion for leave. Plaintiff's motion for leave is hereby GRANTED:

1. Plaintiff may file a sur-reply brief, not to exceed 10 pages, to address the new evidence submitted by Defendant.
2. The deadline to submit the sur-reply brief is 10/19, 2017.
3. No further briefing on the Arbitration Motion shall be permitted absent leave of Court.

IT IS SO ORDERED.

Date: 10/9/17

  
Lewis A. Kaplan, United States District Judge